

INCOMING TELEGRAM

Department of State

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Action

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FROM: GENEVA

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TO: Secretary of State

NO: SECTO 127, MAY 26, 1 PM

RE TOSEC 96

APPRECIATE IMPORTANCE OF SHOWING U.S. SUPPORT FOR ADJUDICATION OF INTERNATIONAL DISPUTES BUT UNDER EXISTING CONDITIONS BELIEVE SOVIETS WOULD CONSIDER ICJ SUGGESTION AS A SIGN OF WESTERN WEAKNESS ON WHOLE BERLIN ISSUE. WORLD OPINION MIGHT ASSUME WE HAD ALREADY DECIDED ON SUBMISSION TO ADJUDICATION FOR SOLUTION BERLIN ISSUE (RATHER THAN AS ELEMENT PRESENT CONTINGENCY PLAN RELATING TO POSSIBLE U.N. ACTION). OFFER MAY ALSO HAVE DEMORALIZING EFFECT ON WEST BERLINERS ACCORDINGLY, BELIEVE THIRD PARAGRAPH PROPOSED REPLY SHOULD BE STRICKEN. NO INDICATION HERE OF BRITISH OR FRENCH FOREIGN OFFICE VIEWS. ARE INFORMING BRITISH FRENCH HERE OF THIS DECISION.

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